
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

QUINTIN DROLLINGER,

Plaintiff,

vs.

ROBERT LARNA,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING MOTIONS TO
REOPEN CASE**

Case No. 2:15-CV-00770

Judge Clark Waddoups

This matter came before the court on plaintiff's Motion to Reopen Case, (ECF No. 12), including plaintiff's subsequent motion to expedite. (ECF No. 15.) This court dismissed this case on December 1, 2016 for failure to prosecute. (ECF No. 16.) It originally involved a complaint of various mistreatment at the hands of Idaho resident Robert Larna, alleged to be the manager at Sky Lane Park. A judgment dismissing the case was entered on December 3, 2016. For the reasons stated below, the Motions to Reopen are DENIED.

A litigant who seeks reconsideration by the district court may "file either a motion to alter or amend the judgment pursuant to Fed R. Civ. P. 59(e) or a motion seeking relief from the judgment pursuant to Fed R. Civ. P. 60(b)." *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). A motion to reconsider filed more than ten days after the final judgment in an action should be considered pursuant to Rule 60(b). *See id.* at 1243. Plaintiff's Motion to Reopen was filed more than ten days after the judgment was entered in this action, and thus is considered pursuant to Fed R. Civ. P. 60(b). Relief under Rule 60(b) is appropriate only in extraordinary

circumstances. *See Massengale v. Oklahoma Bd. of Examiners in Optometry*, 30 F.3d 1325, 1330 (10th Cir. 1994).

The sole reason given for plaintiff's motion to reopen the case is for "on going problem." (ECF No. 12.) Upon review of the entire file, the court finds that plaintiff has failed to demonstrate the existence of any extraordinary circumstances to justify a decision to reconsider and vacate the order dismissing this action. Therefore, the motion to reconsider will be denied.

IT IS ORDERED that the Motion to Reopen filed on March 4, 2019 and the Motion to Reopen filed on March 8, 2019 are DENIED.

DATED this 13th day of March, 2019.

BY THE COURT:



Clark Waddoups
United States District Court Judge